

AMENDMENTS TO THE DRAWINGS:

Please replace FIGS. 1-9 with the Replacement Sheets provided in a previous amendment dated June 22, 2007.

REMARKS

Claims 1-10, 34-45 and 48-52 are pending. Claims 1, 4, 41, 48 and 52 are amended herein. Claims 46-47 are canceled herein.

Claims 1-10, 38, 40-45, 50 and 52 were rejected under 35 USC § 102(e) as being anticipated by U.S. Patent No. 6,764,588 (“*Smedley*”).

Under 37 CFR § 1.116, Applicant submits this Amendment and respectfully requests reconsideration of all remaining claims. Herein, Applicant makes a bona fide attempt to place the case in condition for allowance by amending the independent claims rejected under § 102(e) over *Smedley* by adding new elements that would render the claims potentially rejectable over *Smedley* only on obviousness grounds. As such, in view of the Declaration of Common Ownership previously made of record, Applicant submits that the *Smedley* reference should be disqualified as prior art under 35 USC § 103(c).

Specifically, Claims 1 and 41 have each been amended to add “feed tube” and “splitter elements”. Part 4 of the Final Office Action acknowledged that *Smedley* does not expressly teach the splitter element.

Claims 4 and 52 have been amended to add a “redirection tube” and a “fluidization tube” as structural elements to further limit the “fluidization apparatus”. In each claim, the fluidization apparatus now recites a fluidization tube having a larger internal diameter than the internal diameter of the redirection tube. Part 4 of the Final Office Action acknowledged that *Smedley* does not expressly teach these component diameters.

In view of these amendments, the Declaration of Common Ownership, and the Terminal Disclaimer (previously made of record), Applicant submits that the *Smedley* reference is disqualified as prior art, and requests that the rejections of Claims 1, 4, 41 and 52 be withdrawn. Applicant also requests withdrawal of all corresponding dependent claims.

Claims 34-37, 39, 48-49 and 51 were rejected under 35 USC § 103(a) as being obvious over *Smedley*. In view of the Declaration of Common Ownership, Applicant requests withdrawal of these rejections.

Applicant has amended the Specification to make various corrections of formality that do not add new subject matter.

The Drawings have been amended by replacing the original informal FIGS. 1-9 with a Replacement set of formal drawing sheets for FIGS. 1-9. Minor corrections have been made to some of the reference numerals to ensure consistency with the Specification, as indicated on the Annotated Sheets Showing Changes. No new matter has been added to any drawing.

In view of all of the above, Applicant requests issuance of all remaining claims. In a separate paper, Applicant has petitioned for a one-month extension, and authorized the USPTO to charge the appropriate extension fee for filing this response. If any additional fee beyond this extension fee is due, please charge the same to deposit account no. 19-2814, with reference to Snell & Wilmer docket no. 50534-0400.

Respectfully submitted,

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